UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA,	)	
	)	CASE NUMBER
PLAINTIFF,	)	03-20347-CR-Cohn
	)	
vs.	)	
	)	
MARC M. HARRIS,	)	THIS VOLUME:
	)	PAGES 1-11
DEFENDANT.	)	
______________________________	)	

TRANSCRIPT of VERDICT FROM JURY TRIAL had before THE HONORABLE JAMES I. COHN, in Fort Lauderdale, Broward County, Florida, on Monday, November 24, 2003, in the above-styled matter.

APPEARANCES:

FOR THE GOVERNMENT: GREGORY TORTELLA, SHELLY GOLDKLANG, Assistant U.S. Attorneys

FOR THE DEFENDANT: JOAQUIN FERNANDEZ, ESQ. FRANK A. RUBINO, ESQ.

ANITA LaROCCA
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[Court called to order at 11:05 a.m.]

THE COURT: The matter before the Court is the United States of America versus Marc Harris. Case Number 03-20347-CR.

The Court has received a written note from the jury which reads: We have reached a verdict on all counts.

Are there any matters to come before the Court before we bring the jury in?

MS. GOLDKLANG: None from the government, Your Honor.

MR. FERNANDEZ: None, Your Honor.

THE COURT: Mr. Catello, would you please bring in the jury.

[Jury enters the courtroom].

THE COURT: Folks, you all may be seated.

Good morning.

Ms. Moses, has the jury reached a verdict as to all counts?

FOREPERSON: Yes, we have.

THE COURT: Would you please hand your verdict to Mr. Catello.

[Handing]

THE COURT: Ask the courtroom deputy to please publish the verdict.

THE CLERK: Sure, Your Honor.

Case Number 03-20347-CR-Cohn, United States of America versus Marc M. Harris.

We the jury find the defendant Marc M. Harris as to Count 1, guilty;

As to Count 2, guilty;

As to Count 3, guilty;

As to Count 4, not guilty;

As to Count 5, not guilty;

As to Count 6, not guilty;

As to Count 7, not guilty;

As to Count 8, not guilty;

As to Count 9, not guilty;

As to Count 10, guilty.

We, the jury, having found the defendant guilty of the offense charged in Count 10, further find with respect to that count that he conspired to commit the following offenses as indicated.

A: To conduct and attempt to conduct financial transactions affecting interstate and foreign commerce and which involved the proceeds of a specified unlawful activity; that is, the smuggling of freon into the United States in violation of 18, United States Code, Section 545, with the intent to promote the carrying on of such specified unlawful activity, and knowing that the property involved in the financial transactions represented the proceeds of some form of unlawful activity, in violation of 18, United States Code, Section 1956(a)(1)(A)(i).

B: To conduct and attempt to conduct financial transactions affecting interstate commerce and which involved the proceeds of specified unlawful activity, that is the smuggling of freon into the United States in violation of Title 18, United States Code, 545, knowing that the transactions were designed in whole and in part to conceal and disguise the nature, location, source, ownership and control of the proceeds of said specified unlawful activity, and knowing that the property involved in the financial transactions represented the proceeds of some form of unlawful activity, in violation of 18, United Stated Code, Section 1956(a)(1)(B)(i).

C: To engage in and attempt to engage in monetary transactions affecting interstate and foreign commerce, by and through a financial institution, in criminally derived property of a value greater than ten thousand dollars, such property having been derived from a specific unlawful activity, that is smuggling of Freon into the United States in violation of 18, United States Code, 545, in violation of Title 18, United States Code, Section 1957.

Guilty as to Count 11;

Guilty as to Count 12;

Guilty as to Count 13;

Guilty as to Count 14;

Guilty as to Count 15;

Guilty as to Count 16;

Guilty as to Count 17;

Guilty as to Count 18;

Guilty as to Count 19;

Guilty as to Count 20;

Guilty as to 21;

Guilty as to 22;

Not guilty as to 23;

Not guilty as to 24;

Not guilty as to 25,

Not guilty as to 26;

Not guilty as to 27;

Not guilty as to 28;

Not guilty as to 29;

And not guilty as to 30;

As charged in the indictment, so say we all. Foreperson, Ms. Moses.

This verdict is dated, Your Honor, on November 24th, 2003.

THE COURT: Does either party desire the jury to be polled?

MR. FERNANDEZ: Respectfully, Your Honor.

THE COURT: All right. Please poll the jury.

THE CLERK: You will individually answer this question yes or no.

Juror Number 1, the verdict as read, is that your verdict?

JUROR NUMBER 1: Yes.

THE CLERK: Number 2?

JUROR NUMBER 2: Yes.

THE CLERK: Number 3?

JUROR NUMBER 3. Yes.

THE CLERK: Number 4?

JUROR NUMBER 4: Yes.

THE CLERK: Number 5?

JUROR NUMBER 5: Yes.

THE CLERK: Number 6?

JUROR NUMBER 6: Yes.

THE CLERK: Number 7?

JUROR NUMBER 7: Yes.

THE CLERK: Number 8?

JUROR NUMBER 8: Yes.

THE CLERK: Number 9?

JUROR NUMBER 9: Yes.

THE CLERK: Number 10?

JUROR NUMBER 10: Yes.

THE CLERK: Number 11?

JUROR NUMBER 11: Yes.

THE CLERK: And Number 12?

JUROR NUMBER 12: Yes.

THE CLERK: Thank you.

THE COURT: The courtroom deputy will please record the verdict.

Folks, let me thank you for having performed your civic duty and your contribution to our system of justice. You were a very attentative, very conscientious jury. These types of cases are not easy to sit on where you've got a lot of facts, numbers, details.

But I didn't see any looks of frustration, all of you were fully engaged, and that's all we can ask for.

And, Troy, this will conclude their service?

THE CLERK: Yes, Your Honor.

THE COURT: Okay. This is going to conclude your jury service. We will need to collect your juror badges. So if you would just pass those down front, and if you could put those there on the rail, I would appreciate it.

I have certificates of appreciation for each of you. I'm going to give these to Mr. Catello, and he can provide those to you.

Under federal law, having served on this jury you are now exempt from further federal jury service for a period of two years. Now that has no affect if they need you in State Court for jury service, we don't have any control over that.

But it was a pleasure to work with each of you, and I hope all of you have a very happy Thanksgiving.

You are hereby discharged, you are now free to discuss this case with anyone if you so desire. You also have the right of privacy, which means that you don't have to talk about the case unless you want to do so.

So with that, have a great day, have a great Thanksgiving, and we look forward to seeing you again.

[Jury enters the courtroom].

THE COURT: Marc M. Harris, the jury having found you guilty of Counts 1, 2, 3, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22, you are hereby adjudged guilty of each of those counts.

The jury having found you not guilty of Counts 4, 5, 6, 7, 8, 9, 23, 24, 25, 26, 27, 28, 29, and 30, the Court adjudges you not guilty of those counts.

You are hereby remanded to the custody of the U.S. Marshal Service to be held without bond pending sentence, which will be deferred until --

THE CLERK: February 6th, Your Honor, 2004, at 3:00 p.m.

THE COURT: The Court will order a presentence investigative report returnable within the time parameters set forth in the local rules.

Are there any other matters to come before the Court before we recess these proceedings?

MR. FERNANDEZ: Two matters, Your Honor.

THE COURT: Yes, sir.

MR. FERNANDEZ: First, may we have a copy of the verdict form?

THE COURT: Absolutely. I was going to suggest that Troy make a copy for each party.

MR. FERNANDEZ: And number two, would Your Honor request the Marshals to send Mr. Harris back to Miami so that we can work on the -- obviously the PSI in this matter.

THE COURT: Well, I would assume that he's going to be sent back down to the Federal Detention Center.

THE MARSHAL: Your Honor, it's normally the case that they're housed in Broward County Jail if it is a Broward case until such time as sentencing, as long as there's a facility there. Unless there's some other --

MR. FERNANDEZ: That's the point, Your Honor.

THE COURT: Okay. I was not aware.

MR. FERNANDEZ: Well, it's not a firm thing. My last conversation with it, they weren't going to keep anybody there anymore for different reasons, but it changes every day.

THE COURT: You know, it's always been my practice to try to accommodate people. However, I don't like to interfere with another branch of government unless it involves the constitutional rights of the defendant who has a case pending before me.

And I recognize that it would be easier for you as his lawyer if he's down in Miami closer to you.

MR. FERNANDEZ: It's not for my benefit, Your Honor, but I know for a fact that in Broward County they don't allow you to have the documentation that he had, you know, this case we have ten boxes of documents that he kept at FDC.

Over here, they don't allow anything, I mean that's -- So it's not just my --

THE COURT: All right. Let me ask the Marshal if he can address access to materials that the defendant needs with respect to his legal case.

THE MARSHAL: Your Honor, I'm not familiar with whatever Broward County Jail's procedures are, that's what they are. That's how the Marshal's Service works, because there's still detainees at this point that are in Broward County Jail.

I'm not familiar with Broward County Jail's procedure regarding the availability to evidence.

MR. FERNANDEZ: And if I may add, they also don't have any federal library of any moment, which they do at FDC. Mr. Harris has been very helpful in, you know, in doing research and things of that nature.

So they don't have anything there about the Sentencing Guidelines. They don't have anything, it's just a county facility that lacks all the necessary things of a federal prisoner.

That they hold them during the trial makes sense because they don't have to go back and forth. But for a protracted period of time, it's just a waste. And it's really depriving him of his ability to prepare.

THE COURT: All right. I'm going to grant your request. I'm going to order the defendant transferred back to Miami. It just makes more sense. Sentencing is not until February.

Anything further?

MR. FERNANDEZ: No, Your Honor. Thank you very much.

THE COURT: Okay. Thank you.

[Trial concluded at 11:25 a.m.]

C E R T I F I C A T E

I hereby certify that the foregoing is an accurate transcription of proceedings in the above-entitled matter.

______________ DATE

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